

The Honorable John C. Coughenour

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE

WOLFIRE GAMES, LLC et al.,

Case No. 2:23-mc-00037-JCC

Plaintiffs,

V.

VALVE CORPORATION,

**DEFENDANT VALVE
CORPORATION'S OPPOSITION TO
NEXON AMERICA, INC.'S MOTION
TO QUASH SUBPOENA**

Defendant.

I. INTRODUCTION

Faced with claims that it has monopolized or attempted to monopolize an alleged PC games distribution market for the past 20 years, Valve served a subpoena on video game company Nexon America Inc. (“NAI”), the U.S.-based subsidiary of Japan-based global video game company Nexon Co., Ltd. Valve’s subpoena seeks sales data and documents about markets and competition that Valve will use to defend against Plaintiffs’ allegations that Valve has “monopolized” video game distribution through various restraints on competition. Valve’s requests arise from Plaintiffs’ allegations, are relevant and proportional to the needs of this case, and seek data that will assist Valve in determining the size of the relevant market over time, Valve’s share of it, and documents showing the existence of robust competition contrary to Plaintiffs’ allegations.

1 Since serving the subpoena, Valve made significant concessions to reach an
 2 accommodation with NAI, proposing NAI would produce key sales information that relates to
 3 its U.S. sales, and documents relevant to the competitive dynamics in the market in which NAI
 4 participates. In response, NAI offered only to “produce” materials already publicly available on
 5 its Japanese parent’s investor relations website—materials that notably do *not* include data,
 6 specific to the U.S. market, that Valve seeks from NAI—and U.S.-only sales data from 2020
 7 and later.

8 In moving to quash Valve’s subpoena, NAI has not shown that it would be unduly
 9 burdened by compliance or that the subpoena seeks to compel disclosure of privileged
 10 information. On the contrary, there is no evidence that NAI has engaged in serious efforts to
 11 comply at all. The Court should accordingly deny NAI’s Motion to Quash (“Motion”) and
 12 order it to promptly comply with the narrowed requests Valve set forth in the Joint Statement
 13 filed on May 9, 2023 (Dkt. # 29) (“Joint Statement”) and described below.

14 II. BACKGROUND

15 a. Plaintiffs’ Allegations Against Valve

16 The litigation underlying the subpoena arises out of Plaintiffs’ allegations of anticom-
 17 petitive conduct against Valve, which was founded in 1996 as a developer of video games.
 18 Consolidated Second Amended Complaint (“Compl.”) (Case no. 2:21-cv-00563-JCC, Dkt. #
 19 127) ¶ 46. According to Plaintiffs’ account, which Valve disputes, Valve has had a
 20 “stranglehold on the PC gaming market” from 2004, shortly after Valve began distributing
 21 games through its Steam platform. *Id.* ¶ 50. Plaintiffs also allege, but Valve denies, that Valve
 22 is the world’s largest distributor of PC games, holding approximately 75% of an alleged PC
 23 video game distribution market. *See id.* ¶ 56; Answer to Compl. (Case no. 2:21-cv-00563-JCC,
 24 Dkt. # 128) ¶ 56. Plaintiffs allege a class encompassing video game developers who sold a
 25 game through Steam during the class period where either (1) the developer was based in the
 26

1 United States or its territories or (2) the developer sold games through Steam to consumers in
 2 the United States. Compl. ¶ 375.

3 Plaintiffs' proposed class definition alleges a geographic market "*at least as broad as*
 4 the United States." Compl. ¶ 122 (emphasis added). This indistinct market definition means
 5 Plaintiffs seek a geographic market that is at a minimum the United States, but might be
 6 broader and potentially worldwide.

7 **b. Valve's Requests to NAI**

8 Valve's subpoena to NAI sought documents showing its sales volume of video games
 9 and associated downloadable content and in-game purchases, in dollars and units, worldwide
 10 and for the U.S. since 2003. *See* Breslauer Decl. Ex. A. The purpose for seeking game sales
 11 information is straightforward: Valve seeks to rebut Plaintiffs' allegation that Valve has
 12 "monopolized" game distribution for nearly 20 years, and to do so Valve seeks data on sales by
 13 significant game companies so it can determine the overall size of the market and Valve's
 14 share. Valve's subpoena also sought documents showing the competitive dynamics in the
 15 relevant market as NAI experiences and contributes to them. The purpose for seeking docu-
 16 ments relating to competitive dynamics is similarly straightforward: Valve seeks to rebut
 17 Plaintiffs' allegation that Valve, by its conduct, has somehow been able to operate free of
 18 competition for nearly two decades.

19 **c. NAI's Response to Valve's Requests**

20 NAI objected to Valve's requests that, as a U.S. subsidiary in the global Nexon
 21 organization, it could not be compelled to produce non-U.S. data that lie beyond NAI's
 22 possession, custody, or control. *See* NAI Objections at 9-11, Dkt. #2 at Exhibit B. But mainly
 23 NAI objected to the subpoena in its entirety as unduly burdensome, and coupled its objections
 24 with a demand that Valve "unconditionally withdraw the subpoena" within a week or it would
 25 move to quash. *See* NAI Feb. 6, 2023 Letter to counsel for Valve, Dkt. #2 at Exhibit C. Valve
 26 immediately sought to meet and confer over the objections and NAI's withdrawal demand, but

1 NAI nevertheless moved to quash the subpoena in the Central District of California on
 2 February 21, 2023, four weeks after service when it served its objections. *See* Dkt. #3.

3 **d. Transfer to the Western District**

4 On February 24, 2023, Magistrate Judge Michael R. Wilner of the Central District of
 5 California scheduled a video status conference for March 3, 2023 to consider whether “Nexon
 6 and Valve may be better served by transferring this quashal action” to this Court. *See* Order at
 7 (Dkt. # 5). NAI and Valve continued their discussions for two months in an effort to resolve
 8 the dispute. On April 24, 2023, Magistrate Judge Wilner held a status conference, in which he
 9 ruled that NAI’s motion should be transferred to this Court.

10 **e. Discovery Requests in Dispute and the Parties’ Positions**

11 In the Joint Statement filed on May 9, 2023, Valve and NAI set out the narrowed set of
 12 discovery requests Valve made to NAI on March 22, 2023 and NAI’s position as to what it
 13 would produce in response. Dkt. # 39 at 1-3. The requests in dispute represent 13 of the 27
 14 requests in Valve’s subpoena,¹ and each seeks information Valve needs to prepare its defense
 15 to Plaintiffs’ allegations. Valve has already dropped 14 of its requests based on the meet-and-
 16 confer process, and as set forth below is prepared to drop more provided NAI makes certain
 17 representations. As set out in the Joint Statement, NAI’s offer does not address most of what
 18 Valve seeks and the Court should accordingly order NAI to comply with the requests as set out
 19 below.

20 Request 1	Valve requests that NAI produce the Software sales revenue and unit sales data 21 Request 1 seeks on an annual basis from 2003 to the present, separately for 22 PCs, consoles, and mobile devices, and separately for games, DLC and in-game 23 purchases (collectively referred to as “Software” below and also defined in the 24 subpoena) it sold. Valve requests production of these data in two geographic 25 groups: (i) sales to purchasers in the U.S., and (ii) sales to purchasers in the 26 rest of the world.
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Request 1 seeks information regarding aggregated (total, not by individual title) annual

¹ The full subpoena is attached as Exhibit A to the Declaration of Peter Breslauer being filed herewith.

1 sales. Along with similar information from other major video game vendors, this information
 2 will help Valve to determine the size of the relevant market worldwide and in the U.S., and
 3 Valve's share thereof, key information Valve requires to rebut Plaintiffs' monopolization
 4 allegations. The subpoena sought monthly sales but Valve compromised on annual sales to
 5 reduce Nexon's burden. For worldwide numbers, Nexon pointed Valve to publicly available
 6 documents from 2011 forward on its parent company's investor relations website.² Those
 7 publicly available materials do not break out NAI's (or Nexon Co. Ltd.'s) U.S. sales, which
 8 Valve needs to be able to address a U.S.-only market consistent with Plaintiffs' allegation of a
 9 geographic market that "is *at least as broad* as the United States."

10 Valve is willing to accept aggregated annual U.S. sales data from 2011 forward, but that
 11 is not part of NAI's offer in the Joint Statement. On May 16, NAI offered to produce sales and
 12 unit data it has for 2011 and later, but on May 18 stated that it only has U.S.-only data from
 13 2020 and later. Valve suggested on May 18 that NAI might be able to identify U.S. sales by
 14 looking at state or national sales tax or address information stored by NAI or its payment
 15 servicer, and NAI said it would continue to try.

16 Valve respectfully requests that NAI be ordered (1) to use reasonable efforts to identify
 17 and produce annual U.S.-only sales and unit data from 2011 to 2022, responsive to Request 1,
 18 and (2) to provide a declaration attesting that no more than 1% of its revenues are derived from
 19 acting as a distributor of Software produced by companies outside the global Nexon
 20 organization, as its counsel has asserted.

21 Request 2	22 Valve requests annual Software sales revenue from 2003 to the present that 23 NAI received for Software it caused to be distributed on a distribution platform not operated or under its control.
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24
 25 ² NAI's parent was first publicly listed in 2011. Breslauer Decl. Ex. F at 2. The investor
 26 relations materials are on <https://ir.nexon.co.jp/en/library/result.html> at the "Quarterly
 Earnings" subpage.

	Valve requests annual revenue share from 2003 to the present that NAI received for sales of Software reported in response to Request 1 above.
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Valve needs this data about Nexon's sales on platforms other than its own for the same reasons it needs responses to Request 1—to show that Steam competes with other platforms in a competitive market. If NAI confirms its counsel's statement that it earns no more than 1% of its revenue from publishing others' Software, Valve will drop the second paragraph of Request 2, above. Valve respectfully requests that the Court order NAI to produce annual aggregated sales revenue from 2011 to 2022 per the first paragraph.

Request 10	Documents sufficient to determine, separately by total unit Software sales and total sales revenues, the top five resellers to which NAI distributed Software for digital download from 2003 to the present, and the corresponding annual total unit sales and total sales revenues for each of those resellers.
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Valve needs these documents to show, along with information from others, competition among the largest Software distributors. NAI has not offered to produce them. The top five contributors by units and revenue should be identifiable in the data Nexon produces in response to Request 2. Valve respectfully requests that the Court order NAI to produce documents responsive to Request 10 for annual U.S. sales beginning in 2011.

Request 11	Documents sufficient to show the annual amount since 2003 paid to developers of Software for which NAI acted as publisher.
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Because NAI represented that substantially all of its revenue comes from Software it develops, Valve withdraws Request 11.

Request 12	Documents sufficient to show, from January 1, 2003 to the present, what companies and products NAI regarded as included in the markets that include distribution of games.
Request 13	Documents sufficient to show, from January 1, 2003 to the present, whether NAI regarded Valve as a competitor to Nexon in sales of games, and whether it regarded Steam as a competitor to any Nexon distribution platform.
Request 16	All documents that show, from January 1, 2003 to the present, NAI's or Steam's current or past market shares in markets that include Software distribution.

NAI is the U.S.-based subsidiary of a major video game vendor with sales throughout

1 the world. Requests 12 and 13 seek documents showing what companies and products NAI
 2 regards as competing in games and platforms, an important consideration in defining antitrust
 3 markets. Request 16 seeks, for the same reasons, documents NAI may have regarding its and
 4 Steam's market shares. Nexon has not offered to produce them. Valve respectfully requests that
 5 the Court order NAI to produce documents responsive to Requests 12, 13, and 16 from 2011 to
 6 2022.

7 Request 18	All documents discussing, describing, or analyzing competition in the market 8 or markets that include distribution of games, including all such documents 9 NAI produced in discovery or otherwise in <i>In re: Google Play Store Antitrust</i> <i>Litig.</i> , No. 3:21-md-02981-JD (N.D. Cal.) and <i>Epic Games, Inc. v. Apple Inc.</i> , No.4:20-cv-05640-YGR (N.D. Cal.).
10 Request 19	All documents NAI provided to, or received from, government entities or 11 regulators about an investigation or review of antitrust or competition issues involving markets that may include the publishing or distribution of Software.

12 In the Joint Statement, NAI offers to provide a declaration attesting that it does not have
 13 any documents responsive to Request 18 and, as to the last five years, Request 19. If NAI
 14 submits that declaration, Valve will drop Requests 18 and 19.

15 Request 20	All documents describing, referring, or relating to any policies or guidelines 16 for pricing of Software on any NAI distribution platform, including any 17 policies or guidelines for pricing of games on any NAI distribution platform that are also sold on other companies' storefronts.
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18 The Complaint alleges that Valve maintains and enforces price parity and a “Platform
 19 Most Favored Nations” clause that limits companies’ ability to set prices lower than their prices
 20 on Steam. Valve seeks to rebut these allegations by showing how other video game vendors,
 21 including NAI, price their Software. As shown by the Joint Statement, NAI has not offered to
 22 produce anything responsive. Valve respectfully requests that the Court order NAI to produce
 23 documents responsive to Request 20 from 2011 to 2022.

24 Request 24	All documents describing, referring, or relating to features and functionality 25 for cross-play between games offered on any NAI distribution platform and any other platform, including Steam.
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1 Cross-play is simultaneous play of a multiplayer game where the players are on
 2 different gaming hardware, as where a player who bought a game on Steam for a PC plays with
 3 someone using a console or mobile device. Cross-play is a valuable feature of multiplayer
 4 gaming, including to Nexon. *See, e.g.*, Breslauer Decl. Ex. B. Evidence of cross-play bears on
 5 the relevant product market. As shown by the Joint Statement, NAI has not offered to produce
 6 anything responsive to Request 24. Valve respectfully requests that the Court order NAI to
 7 produce documents responsive to Request 24 for 2011 to 2022.

8 Request 26	Documents relating to <i>In re Valve Antitrust Litigation</i> , No. 2:21-cv-00563-
9	JCC (W.D. Wash.) or other lawsuits
10 Request 27	Documents and communications between NAI and Plaintiffs' counsel

10 In the spirit of compromise, Valve withdraws Requests 26 and 27.

11 **f. LCR 37(a)(1) Certification**

12 As detailed in the accompanying Declaration of Peter Breslauer, Valve certifies
 13 pursuant to LCR 37(a) that the parties conferred in good faith by meeting and conferring by
 14 videoconference eleven times between February 8 and May 18, 2023, in good-faith efforts to
 15 reach a compromise and avoid burdening the Court with motion practice, but were unable to
 16 resolve the dispute. Breslauer Decl. ¶ 3 The Declaration also provides additional background
 17 on those efforts, which continued after the filing of the Joint Statement on May 9, 2023. *Id.* ¶¶
 18 5–10.

19 **III. LEGAL STANDARD**

20 A party may obtain discovery “regarding any nonprivileged matter that is relevant to
 21 any party’s claim or defense and proportional to the needs of the case[.]” Fed. R. Civ. P.
 22 26(b)(1). The issues to be considered in evaluating the proportionality of a discovery request
 23 are “the importance of the issues at stake in the action, the amount in controversy, the parties’
 24 relative access to relevant information, the parties’ resources, the importance of the discovery
 25 in resolving the issues, and whether the burden or expense of the proposed discovery outweighs
 26

1 its likely benefit.” *Id.* District courts are vested with broad discretion in making discovery
 2 rulings. *See Campbell Indus. v. M/V Gemini*, 619 F.2d 24, 27 (9th Cir. 1980); *see also*
 3 *Survivor Media, Inc. v. Survivor Prods.*, 406 F.3d 625, 635 (9th Cir. 2005).

4 While district courts are bound to modify or quash a subpoena that subjects the
 5 recipient to undue burden, the Ninth Circuit has declined to establish a lower standard for
 6 undue burden when a subpoena is directed to a non-party. *See Mount Hope Church v. Bash*
 7 *Back!*, 705 F.3d 418, 427, 429 (9th Cir. 2012) (“we will not read ‘undue burden’ differently
 8 just because a non-party was subpoenaed”). The party moving to quash a subpoena, NAI here,
 9 bears the burden of persuasion. *See Rollins v. Traylor Bros.*, No. C14-1414-JCC, 2017 WL
 10 1756576, at *1 (W.D. Wash. May 5, 2017).

11 **IV. ARGUMENT**

12 **a. The Subpoena Does Not Impose an Undue Burden on NAI**

13 NAI’s undue burden argument boils down to an objection that Valve requested a large
 14 amount of information. But that information is reasonably related to the issues in this case and
 15 is the kind of information a large company in the video game industry is likely to have
 16 accessible. The fact that NAI regarded Valve’s requests as “extensive” is not a proper basis for
 17 finding Valve’s subpoena unduly burdensome. *See F.D.I.C. v. Garner*, 126 F.3d 1138, 1146
 18 (9th Cir. 1997) (“Although the FDIC’s requests are extensive, we cannot hold that the
 19 subpoenas are overbroad or unduly burdensome absent a showing by Appellants of additional
 20 support for this position.”). Valve’s requests set out in the Joint Statement, scaled back
 21 considerably from the subpoena in response to discussions with NAI’s counsel, are reasonable
 22 and not “enormously expensive and burdensome.”

23 **i. The documents sought are proportional to the needs of the case**

24 **1. Valve’s subpoena is not temporally overbroad**

25 Though, as NAI notes, the Sherman Act and the Washington Consumer Protection Act
 26 have four-year statutes of limitations, information about the market long before then is

1 important to rebut Plaintiffs' allegations that Valve somehow obtained market power in 2004,
 2 almost from Steam's inception. According to Plaintiffs, Valve took its first steps towards
 3 market consolidation in 2001 when it allegedly acquired the World Opponent Network, and
 4 achieved and exercised market power in 2004 when it "forced" consumers to download Steam
 5 in order to play Valve's successful Half-Life 2 game. Compl. ¶¶ 47-50. While Valve denies
 6 these allegations, that is the time-scale in Plaintiffs' complaint, and Valve is not free to ignore
 7 it in favor of a shortened period of NAI's choosing. *See* Dkt. #2 at 11-14. Valve requires the
 8 documents it seeks from NAI to challenge Plaintiffs' allegations of the size of the U.S. market,
 9 Valve's share, and whether Plaintiffs' allegation defining a product market is legally viable.
 10 Valve's requests for NAI's sales data, as well as the documents set out in the requests listed in
 11 the Joint Statement, are all focused on obtaining evidence to rebut Plaintiffs' allegations of
 12 monopolization since 2004. *See supra* section II.a.

13 In support of its argument that Valve's subpoena is temporally overbroad, NAI cites a
 14 single case, *In re Application of Pioneer Corporation*, No. MC 18-0037, 2018 WL 2146412
 15 (C.D. Cal. May 9, 2018). *Pioneer*, however, did not involve the propriety of a subpoena under
 16 Rule 45. The issue in *Pioneer* was whether 28 U.S.C. § 1782(a)—a statute designed to help
 17 foreign companies obtain discovery in the U.S.—permitted a Japanese company to take
 18 discovery from a Delaware company for use in German litigation. The *Pioneer* court rejected
 19 the Japanese company's request on grounds that it failed to satisfy the statutory criteria for
 20 obtaining discovery in the United States. *See id.* at *5. *Pioneer* is inapposite here, where 28
 21 U.S.C. § 1782(a) plays no part in this dispute between NAI and Valve. Moreover, Valve is not
 22 seeking 20 years of data from NAI; it has cut back the temporal scope of its requests from NAI
 23 to commence in 2011, the year when NAI's Japanese parent became a publicly held corpora-
 24 tion. Breslauer Decl. Ex. F at 2. NAI has failed to carry its burden of showing that Valve's
 25 subpoena is unduly burdensome because it is temporally overbroad.

2. Valve's subpoena is not geographically overbroad

Valve has narrowed the scope of its requests to include only information about the U.S. market. NAI's arguments regarding the geographic scope of Valve's original subpoena are moot.

b. The documents sought are relevant to the case

NAI argues that the documents Valve seeks are irrelevant because “[t]here is no connection” between NAI’s sales and Valve’s alleged anticompetitive conduct. But Plaintiffs’ core allegations, which Valve disputes, are that Valve monopolized at least the U.S., and possibly a broader, market for PC game distribution, and that its conduct has suppressed competition and forced publishers to sell software at artificially high prices. *See* Mot. Quash at 17. Information related to software sales on and off Steam is at the heart of this case, for purposes of rebutting Plaintiffs’ allegations of monopolization, market definition, and restraint of competition.

Claiming that it is just “one of thousands of content publishers on Steam,” Nexon neglects to mention that not all content publishers on Steam are equal in size. Plaintiffs allege that 96% of games on Steam are “indie” or “independent” games created by developers who lack the backing of a powerhouse organization like Nexon. *See* Consolidated Second Amended Complaint, Dkt. #127, ¶ 298. These leave only a few larger ones—allegedly 4%. Valve seeks discovery from NAI, one such large game studio, as the U.S. arm of an “industry leader” with significant data. Dkt. #2 at 2. NAI contends that Valve could obtain information from any number of other video game companies, and accordingly does not need NAI, which possesses no “unique” information, *id.* at 9, but this does not follow for two reasons. First, if everyone could escape a subpoena by arguing that a peer was as well positioned to respond, everyone would be able to escape the subpoena, leaving parties with no way to obtain information critical to resolving litigation. Second, NAI *does* possess unique information—it possesses unique information about its own sales, just as other video game companies possess unique

1 information about their businesses. No single source will do. To create a picture of the relevant
 2 market that is sufficiently detailed and accurate, Valve must compose a mosaic, gathering
 3 material from a variety of sources.

4 In its Motion, NAI asserted that Steam is the “primary” distribution channel for NAI’s
 5 games, but as noted above, counsel for NAI refused to make any factual representations
 6 regarding his client’s business. Breslauer Decl. Ex. C. Valve has no way of knowing what
 7 “primary” means. Dkt. #2 at 21. But even if Steam is where most of NAI’s games are
 8 distributed, it would not be sufficient to relieve NAI of its obligation to comply with Valve’s
 9 subpoena, as NAI has failed to specify which requested documents it believes are already in
 10 Valve’s possession or what proportion of its business flows through Steam. *See F.D.I.C. v.*
 11 *Garner*, 126 F.3d 1138, 1146 (9th Cir. 1997) (enforcing subpoena over objection that
 12 information sought was already in party’s possession because subpoena target “fail[ed] to
 13 provide specific information as to which document requests [were] duplicative.”).

14 **c. The Subpoena Does Not Seek to Compel Confidential Customer
 15 Information**

16 Despite NAI’s assertion to the contrary, Valve’s subpoena does not seek “customer
 17 records,” a “list of customers,” or “customer identities” from NAI. Dkt. #2 at 22. Valve’s
 18 document requests are directed at aggregated, deidentified data showing total sales by dollar
 19 amounts and units sold, and other business documents. To the extent that Valve’s subpoena
 20 seeks information NAI considers commercially sensitive, the Stipulated Protective Order that
 21 the Court entered in this case and which Valve delivered to NAI along with its document
 22 requests is available to protect that information. *See Protective Order, Dkt. # 95.* As the
 23 Protective Order provides, NAI can mark any documents produced in response to Valve’s
 24 subpoena as “CONFIDENTIAL” or “HIGHLY CONFIDENTIAL — ATTORNEY’S EYES
 25 ONLY” if they meet the Protective Order’s criteria. *See id.* at 3.
 26

1 **d. NAI is Not Entitled to Recover its Costs and Fees**

2 The scope of permissible sanctions under Rule 45 “should not be so broad as to chill or
 3 deter the vigorous advocacy on which our civil justice system depends.” *Mount Hope Church*
 4 *v. Bash Back!*, 705 F.3d 418, 429–30 (9th Cir. 2012). NAI has not shown that Valve has
 5 engaged in sanctionable conduct. Even if the Court were ultimately to grant NAI’s Motion,
 6 “[s]anctions for issuing a subpoena are in no way supported merely because a party advocated
 7 a position in seeking discovery that lost in the end.” *Id.* at 429.

8 **V. CONCLUSION**

9 Valve tailored its subpoena to seek important information a video game company is
 10 likely to have. Valve sought to meet and confer to learn what information NAI actually has and
 11 what it could reasonably produce. Valve narrowed its requests. But Nexon has not reciprocated.
 12 Instead, it moved to quash. Valve respectfully requests that the Court deny NAI’s Motion and
 13 order it to produce documents, including data, responsive to the requests set out in the Joint
 14 Statement and described above.

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DATED this 23rd day of May, 2023.

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CERTIFICATION

I certify that this memorandum contains 4,087 words in compliance with the Local Civil Rules.

s/ Gavin W. Skok

CERTIFICATE OF SERVICE

I certify that I am a secretary at the law firm of Fox Rothschild LLP in Seattle, Washington. I am a U.S. citizen over the age of eighteen years and not a party to the within cause. On the date shown below, I caused to be served a true and correct copy of the foregoing on counsel of record for all other parties to this action as indicated below:

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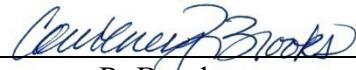
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1 I declare under penalty of perjury under the laws of the State of Washington that the
2 foregoing is true and correct.

3 EXECUTED this 23rd day of May, 2023, in Seattle, Washington.
4

5 
6 Courtney R. Brooks

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